

## DECLARATION FOR PATENT APPLICATION

As an undersigned inventor, I hereby declare that:

My residence, post office address and country of citizenship are as stated directly below my name.

I believe (check one) ☐ I am the original, first and sole inventor  
☒ I am a joint inventor and the below named inventors are the  
original and first inventors

of the subject matter which is claimed and for which a patent is sought on the invention entitled

### APPARATUS AND METHODS FOR CONSTRAINT CHARACTERIZATION WITH DEGRADATION OPTIONS

the specification of which

(check one) ☒ is attached hereto.  
☐ was filed on \_\_\_\_\_,  
as Application Serial No. \_\_\_\_\_,  
and was amended on \_\_\_\_\_.  
(if applicable)

I further declare that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (hereinafter "the Office") all information known to me to be material to patentability of the subject matter which is claimed as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate indicated below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)  
Number                      Country

Day/Month/Year Filed

Priority  
Claimed  
Yes      No

None

I hereby claim the benefit under 35 U.S. C. §119(e) of any United States provisional application listed below:

**Provisional Application Serial No.**

60/269,373

60/270,763

**Filing Date**

February 16, 2001

February 22, 2001

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<b><u>Application Serial No.</u></b>	<b><u>Filing Date</u></b>	<b><u>Status (patented, pending, abandoned)</u></b>
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Address all telephone calls to Maximilian R. Peterman at telephone number (512) 347-1611.

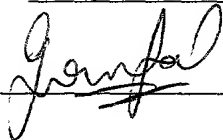
Address all correspondence to:

Maximilian R. Peterson  
O'KEEFE, EGAN & PETERMAN  
1101 Capital of Texas Highway South  
Building C, Suite 200  
Austin, TX 78746  
(512) 347-1611  
(512) 347-1615 (Fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Guruprasad G. Rao

Inventor's Signature



7/11/01  
Date

Residence Address: 5411 Austral Loop, Austin, Texas 78739  
(Including Postal Code)

Citizenship: USA

Post Office Address: Same as above  
(Including Postal Code)

Full name of second inventor: E. Keith Howick, Jr.

Inventor's Signature



11 July 2001  
Date

Residence Address: 500 Glasscock Road, Liberty Hill, Texas 78642  
(Including Postal Code)

Citizenship: USA

Post Office Address: Same as above  
(Including Postal Code)

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) – SMALL BUSINESS CONCERN

DOCKET NO.  
SIME:002

Applicant or Patentee: Guruprasad G. Rao et al.

Application No.: Unknown

Title: APPARATUS AND METHODS FOR CONSTRAINT CHARACTERIZATION  
WITH DEGRADATION OPTIONS

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN:  
ADDRESS OF SMALL BUSINESS CONCERN:

Silicon Metrics Corporation  
12710 Research Blvd., Suite 300  
Austin, Texas 78759

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the

invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.  
☐ each such person, concern or organization is listed below:

Separate verified statement is required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Scott Yore

TITLE OF PERSON IF OTHER THAN OWNER: Chief Financial Officer

ADDRESS OF PERSON SIGNING: 12710 Research Blvd., #300, Austin, Texas 78759

SIGNATURE: Scott Yore DATE: 7/12/2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: GURUPRASAD G. RAO ET AL.  
Filed: CONCURRENTLY HEREWITH  
For: APPARATUS AND METHODS FOR CONSTRAINT  
CHARACTERIZATION WITH DEGRADATION OPTIONS  
Serial No.: UNKNOWN  
Group Art Unit: UNKNOWN  
Examiner: UNKNOWN  
Atty Dkt: SIME:002

EXPRESS MAIL CERTIFICATION	
NUMBER: EL917070380US	
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service, postage prepaid, under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231.	
7-13-01	Marty Bower
Date	[Name]

Assistant Commissioner For Patents  
Washington, D.C. 20231

**ELECTION UNDER 37 C.F.R. §§3.71, STATEMENT UNDER 3.73  
AND POWER OF ATTORNEY**

Sir:

The undersigned being Assignee of record of the entire interest in the above-identified application by virtue of an assignment that has been filed in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. §3.71, to prosecute the application to the exclusion of the inventor. A statement under 37 C.F.R. 3.73(b) is also included below.

The Assignee hereby revokes any previous Powers of Attorney and appoints Robert M. O'Keefe, Reg. No. 35,630; Richard D. Egan, Reg. No. 36,788; Brian W. Peterman, Reg. No. 37,908, William W. Enders, Reg. No. 41,735, and Maximilian R. Peterson, Reg. No. 46,469, each an attorney of the firm of O'KEEFE, EGAN & PETERMAN, LLP, as its attorney for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent

and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. §3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to SILICON METRICS CORPORATION, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Maximilian R. Peterson  
O'KEEFE, EGAN & PETERMAN, LLP  
1101 Capital of Texas Highway South  
Building C, Suite 200  
Austin, Texas 78746  
512/347-1611  
FAX 512/347-1615

ASSIGNEE:

SILICON METRICS CORPORATION

By: Scott Yore

Name: Scott Yore

Title: Chief Financial Officer

Date: 7/11/01

ASSIGNMENT:

- ☒ Filed concurrently herewith  
☐ Previously filed [date](copy enclosed)  
☐ Previously recorded  
Date: \_\_\_\_\_  
Reel: \_\_\_\_\_  
Frame: \_\_\_\_\_

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